

From: Nathan Florea
To: Microsoft ATR
Date: 1/28/02 7:12am
Subject: Microsoft Settlement

Antitrust Division, Department of Justice;

I have numerous problems with the Proposed Final Judgement between Microsoft and the Department of Justice. I believe it is inherently flawed and will prove ineffective. I think it would have been unacceptable before Judge Jackson's Findings of Fact. After that, however, any settlement as favorable to Microsoft as this one is mind boggling.

I think the specific reasons the Proposed Final Judgement is flawed have probably been adequately covered in comments from my fellow citizens. Instead, I will write about why I do not think any behavioral remedy will be adequate to curb Microsoft's anti-competitive practices. This is something that I can perhaps provide some unique or at least less common insight on.

I think that the corporate culture at Microsoft will make any behavioral remedy ineffective. As someone who worked at Microsoft during the antitrust trial, I think I have some understanding of the corporate culture there. It is very insulated. A large portion of people who work at Microsoft have no professional contact with anyone outside of company. It is very polarized with an "us against the world" mentality. The use of anything but Microsoft products, unless there is absolutely no Microsoft alternative yet, is frowned upon.

And Microsoft believes it did nothing wrong. This is evidenced in the public statements from its executives, such as Bill Gates and Steve Ballmer. Never have they said that Microsoft did anything wrong. In fact, they have constantly claimed Microsoft has done nothing wrong, even after Judge Jackson's findings. And this permeates throughout the corporate culture. Never did I hear a Microsoft employee voice an opinion out of line with the company's position. Never did I hear anyone admit the DOJ case had any validity.

Until Microsoft changes their corporate culture and acknowledges that it engaged in anti-competitive practices, a behavioral remedy will simply be an obstacle to work around or through. And Microsoft has proven how effective it can be at getting around any behavioral changes with the previous consent decree. Expecting a behavioral change to be effective given Microsoft's track record and unyielding stance is foolishly optimistic at best.

Please reconsider a structural remedy. At the very least, make a genuine attempt to change the corporate culture. Microsoft has to take responsibility for its crimes before any settlement can move forward.

Sincerely,
Nathan Florea

